

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA, and
the STATE OF MICHIGAN,
ex rel. FADI JAAFAR,

Plaintiffs,

ex rel. FADI JAAFAR,

Plaintiff/Relator,

vs.

ALI EL-KHALIL, DPM,

Defendant.

Civil Case No. 17-10955
Hon. Bernard A. Friedman
Magistrate Judge Elizabeth Stafford

UNDER SEAL

**THE UNITED STATES' AND THE STATE OF MICHIGAN'S NOTICE OF
ELECTION TO DECLINE INTERVENTION**

Pursuant to the federal False Claims Act, 31 U.S.C. § 3730(b)(4)(B), and Michigan's Medicaid False Claims Act, M.C.L. 400.610a, the United States of America ("United States") and the State of Michigan hereby notify the Court of their respective decisions not to intervene in this action.

Although the United States and the State of Michigan decline to intervene, we respectfully refer the Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain the action in the name of the United States; providing, however, that the "action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting." *Id.*

Therefore, the United States requests that, should either the relator or the defendant propose that this action be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action be served upon the United States; the United States also requests that orders issued by the Court be sent to the United States' counsel. The United States reserves its right to order any deposition transcripts, to intervene in this action, for good cause, at a later date, and to seek the dismissal of the relator's action or claim. The United States also requests that it be served with all notices of appeal.

Finally, the United States requests that the relator's Complaint, this Notice, and the proposed Order filed concurrently herewith be unsealed. The United States requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States' investigation, such papers

are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed order accompanies this notice.

Respectfully submitted,

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